

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

EXXONMOBIL OIL CORPORATION,

Plaintiff,

V.

HYUNDAI MOBIS, CO., LTD., MOBIS  
AMERICA, INC., MOBIS PARTS AMERICA,  
LLC, MOBIS PARTS DETROIT, LLC,  
and MOBIS ALABAMA, LLC,

Defendants.

CIVIL ACTION NO. \_\_\_\_\_

**COMPLAINT FOR TRADEMARK AND SERVICE MARK INFRINGEMENT,  
DILUTION, UNFAIR COMPETITION, AND UNJUST ENRICHMENT**

For its complaint, ExxonMobil Oil Corporation, appearing through the undersigned counsel, alleges as follows based on present knowledge, information and belief:

## PARTIES

1. ExxonMobil Oil Corporation (“Mobil”) is a New York corporation having its principal place of business at 5959 Las Colinas Boulevard, Irving, TX 75039.

2. Defendant Hyundai Mobis, Co. Ltd. (“Hyundai Mobis”) is a Korean corporation with a business address of 140-2, Gye-Dong, Jongro-Gu, Seoul, Republic of Korea.

3. Defendant Mobis America, Inc. (“Mobis America”) is a Delaware corporation with a business address 2821 Eastern Blvd., Suite 100, Montgomery, AL 36109.

4. Defendant Mobis Parts America, LLC (“Mobis Parts”) is a Delaware limited liability company with a business address 10805 NW 100<sup>th</sup> Street, Suite 11, Miami, FL 33131.

5. Defendant Mobis Parts Detroit, LLC (“Mobis Detroit”) is a Delaware limited liability company with a business address 32000 Northwestern Hwy., Suite 260, Farmington Hills, MI 48334.

6. Defendant Mobis Alabama, LLC (“Mobis Alabama”) is a Delaware limited liability company with a business address 2821 Eastern Blvd., Suite 100, Montgomery, AL 36109.

7. On information and belief Mobis America, Mobis Parts, Mobis Detroit, and Mobis Alabama are all owned and controlled by Hyundai Mobis, and Hyundai Mobis caused each of these other defendants to be formed in the state of Delaware. The defendants are hereinafter collectively referred to as “Mobis” or “Defendants.”

### **NATURE OF ACTION AND JURISDICTION**

8. This is an action for trademark and service mark infringement, dilution, unfair competition, and unjust enrichment under the Trademark Act of 1946, as amended, 15 U.S.C. § 1051 *et seq.* (“Lanham Act”), and the laws of the State of Delaware.

9. This Court has jurisdiction over this action under 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338, and supplemental jurisdiction over Mobil’s claims under Delaware law under 28 U.S.C. § 1367(a).

10. The matter in controversy in this action exceeds the sum of \$75,000, exclusive of interest and costs, and is between citizens of different states. Therefore, this Court also has jurisdiction over this action under 28 U.S.C. § 1332.

### **FACTS**

#### **A. Mobil and Its Marks**

11. Mobil, along with its predecessors and affiliates, has for many years been a leading source of petroleum and chemical products and services, including automotive products and services, worldwide. In the United States alone, Mobil sells millions of gallons of fuels, lubricants, and specialty petroleum products per day under its famous mark MOBIL. The mark MOBIL is prominently displayed at thousands of gasoline stations nationwide.

12. Since at least the 1930s, Mobil, its affiliated companies, and its independent dealers and distributors have used the mark MOBIL in connection with retail gasoline service stations.

13. Since at least the 1960s, Mobil has presented its mark MOBIL in a distinctive logo (the “MOBIL logo”), with blue lettering for all letters except the “o,” which is presented in red, usually set against a white background as follows:



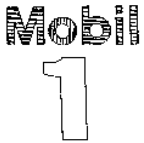
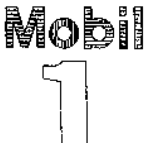


14. Mobil has also long used other marks that include the mark MOBIL in connection with its business. For example, Mobil’s famous MOBIL TRAVEL GUIDE has been a leading guide for motorists and other consumers for more than forty years, and features the MOBIL logo. Another example is Mobil’s MOBIL 1 motor oil, the world’s leading synthetic motor oil.

15. The mark MOBIL, the MOBIL logo, and the other marks including MOBIL (collectively the “MOBIL Marks”) are inherently distinctive, serving to identify and indicate the source of Mobil’s goods and services to the consuming public, and to distinguish its goods and services from those of others.

16. Additionally, as a result of Mobil’s extensive usage and promotion of the MOBIL Marks, the marks have become distinctive to designate Mobil and its products and services, and are well-known and widely recognized by consumers. Mobil has developed great and valuable goodwill in the MOBIL Marks. Consumers know and respect these marks as symbols of Mobil’s commitment to quality, value, and convenience.

17. In addition to its extensive common-law rights, Mobil owns numerous trademark registrations for its MOBIL Marks, including the following examples in the United States:

MARK	REG. NO.	REG. DATE	GOODS/SERVICES
MOBIL	337,002	July 28, 1936	Lubricating oils and greases (Class 4).
MOBIL	363,312	Dec. 20, 1938	Lubricating oils and greases, and for petroleum fuel distillates, in the nature of gasoline, diesel-engine fuel, furnace oils and the like (Class 4).
 [lined for the colors red ("o") and blue (remaining letters)]	1,015,027	July 8, 1975	Antifreeze and coolants; automatic transmission fluid (Class 1); circulating oil; engine oil; gasoline; greases, lubricating oil; machinery oil; metal processing oil; motor oil; penetrating oil (Class 4).
MOBIL	1,020,511	Sep. 16, 1975	Travel guides, travel maps and periodicals-namely, house organs issued quarterly and monthly (Class 16).
MOBIL	1,046,513	Aug. 17, 1976	Automotive service station services (Class 37).
 [lined for the colors red ("o") and blue (remaining letters)]	1,049,824	Oct. 5, 1976	Automotive service station services including car wash services and emergency road services (Class 37).
 [lined for the colors red ("o") and blue (remaining letters)]	1,053,493	Nov. 30, 1976	Synthesized engine lubricant (Class 4).
MOBIL TRAVEL GUIDE	1,491,099	June 7, 1988	Annually published books containing quality ratings of lodgings and restaurants (Class 16).
 [lined for the colors red ("o") and blue (remaining letters)]	2,133,386	Jan. 27, 1998	High performance oil filters for motors and engines (Class 7).

Each of these registrations is valid, subsisting, and in full force and effect. Copies of these registrations are attached as Exhibit A.

18. MOBIL stations are among the most widespread and recognizable gasoline stations in the United States. There are thousands of MOBIL branded gasoline retail service stations in the United States, with billions of dollars in sales per year.

19. Over the years, Mobil and its predecessors have invested considerable effort and resources promoting the MOBIL Marks and stations and spent many millions of dollars advertising them.

20. The MOBIL Marks are famous.

21. Since at least as early as 1996, Mobil's famous marks MOBIL, MOBIL 1, and the MOBIL logo have been used on engine oil filters.

**B. Defendants and Their Unauthorized Activities**

22. Long after Mobil had used and registered its MOBIL Marks and those marks had become famous, Mobis began using the mark MOBIS in the United States.

23. Mobis operates various automotive businesses under the mark MOBIS and variations of that mark, including MOBIS AMERICA, MOBIS PARTS AMERICA, MOBIS PARTS DETROIT, and MOBIS ALABAMA. Mobis uses the mark MOBIS in connection with the manufacture and sale in commerce of automobile parts and assemblies.

24. On October 25, 2000, Hyundai Mobis, through its predecessor, filed an application to register the mark MOBIS under Section 1(b) of the Lanham Act, 15 U.S.C. § 1051. Based on this application, Registrant obtained Registration No. 2698373 (the "Registration"), issued on March 18, 2003, for the mark MOBIS. As amended, the Registration covers "structural parts for automobiles, trucks, sport utility vehicles, vans, and buses; automobile accessories, namely, luggage carriers for automobiles, automobile anti-theft alarms, and automobile sunshades and window sun-blinds," in

International Class 12. Mobil has filed Cancellation No. 92046493 in the United States Patent and Trademark Office (“USPTO”) to cancel this registration.

25. On December 3, 2003, Hyundai Mobis, through its predecessor, filed Application Serial No. 76/563,034 in the USPTO to register the mark MOBIS for numerous automotive and related goods. Those goods include “engine oil filters for mechanical purposes”; “spark plugs for automobile motors”; “mechanical engine parts for land vehicles”; “leak and filling level detectors and electronic detectors for analyzing system performance and testing integrity of structural parts for automobiles”; “electric lamps and lighting components and instruments and parts for motor vehicles”; and “structural parts for automobiles” in International Classes 7, 9, 11, and 12, to name just a few. Mobil timely opposed this application in the USPTO (Opposition No. 91173265).

26. Mobis consistently presents its mark MOBIS with the “o” set off from the rest of the mark in the color red, like the famous MOBIL logo. On [www.mobisusa.com](http://www.mobisusa.com), a web site that on information and belief is owned and controlled by Hyundai Mobis or another related company, Mobis even presents its mark MOBIS in the identical color scheme as the MOBIL logo, i.e, presenting the mark with blue lettering for all letters except the “o,” which is set off in red, all against a white background, as follows:



27. Similarly, a specimen that Hyundai Mobis submitted to the USPTO showing its use of the mark MOBIS in the United States featured the mark MOBIS using the same red, white, and blue colors as the MOBIL logo, i.e, presenting the mark with white lettering for all letters except the “o,” which is set off in red, all against a blue background, as follows:



28. Mobis' mark MOBIS is confusingly similar to Mobil's MOBIL Marks. The marks are identical except for the final letter, and the goods and services offered under the mark MOBIS (and for which Mobis has applied to register that mark) are similar or related to the automotive products and services Mobil offers under its MOBIL Marks. Additionally, Mobil's MOBIL Marks are of sufficient fame and reputation among consumers that when the mark MOBIS is used in connection with Mobis' goods and services, a connection with Mobil would be presumed by consumers. This is especially true when Mobis uses the mark MOBIS with a red "o" as in the MOBIL logo.

29. Mobil has not authorized Mobis to use the MOBIL Marks or any mark confusingly similar to the MOBIL marks.

30. Mobis has set out on a deliberate course of conduct to deceive consumers into believing that its products and services are connected or affiliated with Mobil, to trade on

Mobil's enormous goodwill, and to injure Mobil. Mobis seeks to accomplish these goals by intentionally imitating the distinctive MOBIL mark and logo and using in commerce such a confusingly similar trademark.

**C. Effect of Mobis' Activities on Mobil and the Consuming Public**

31. Mobis' unauthorized use of the mark MOBIS is likely to cause confusion, to cause mistake, and to deceive customers and potential customers of the parties, at least as to some affiliation, connection or association of Mobis or its business with Mobil, or as to the origin, sponsorship, or approval of the goods and services offered by Mobis.

32. Mobis' unauthorized use of its confusingly similar mark MOBIS falsely indicates to purchasers that Mobis, its business, or its goods or services originate with Mobil, or are affiliated, connected, or associated with Mobil, or are sponsored, endorsed, or approved by Mobil, or are in some manner related to Mobil and its goods or services.

33. Mobis' unauthorized use of its confusingly similar mark MOBIS falsely designates the origin of Mobis' goods or services, and falsely or misleadingly describes and represents facts with respect to Mobis and its goods or services.

34. Mobis' unauthorized use of its confusingly similar mark MOBIS enables it to trade on and receive the benefit and goodwill built up at great labor and expense over many years by Mobil, and to gain acceptance for its MOBIS business, goods, and services not solely on their own merits, but on the reputation and goodwill of Mobil and its marks, goods, and services.

35. Mobis' unauthorized use of its confusingly similar mark MOBIS enables it to palm off its goods and services on the unsuspecting public as those of Mobil.

36. Mobis' unauthorized use of its confusingly similar mark MOBIS removes from Mobil the ability to control the nature and quality of goods and services provided under the



MOBIL mark, and places the valuable reputation and goodwill of Mobil in the hands of Mobis, over whom Mobil has no control.

37. Mobis' unauthorized use of its confusingly similar mark MOBIS is likely to cause dilution of Mobil's famous MOBIL Marks.

38. Unless these acts of unfair competition by Mobis are restrained by this Court, they will continue, and will continue to cause irreparable injury to Mobil and to the public, for which there is no adequate remedy at law.

**D. Willful Nature of Mobis' Activities**

39. Mobis' acts of infringement, dilution, and unfair competition complained of herein have been malicious, fraudulent, deliberate, willful, intentional, and in bad faith, with full knowledge and conscious disregard of Mobil's rights. In view of the egregious nature of Mobis' use of its mark MOBIS, this is an exceptional case within the meaning of Section 35(a) of the Lanham Act, 15 U.S.C. § 1117(a).

**COUNT I: INFRINGEMENT OF REGISTERED MARKS**

40. Mobil repeats the allegations above as if fully set forth herein.

41. The acts of Mobis complained of herein constitute infringement of Mobil's registered MOBIL Marks in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

**COUNT II: FEDERAL TRADEMARK DILUTION**

42. Mobil repeats the allegations above as if fully set forth herein.

43. The acts of Mobis complained of herein constitute dilution of Mobil's famous MOBIL Mark in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

44. Mobis willfully intended to trade on Mobil's reputation and to cause such dilution.

**COUNT III: VIOLATION OF LANHAM ACT SECTION 43(a)**

45. Mobil repeats the allegations above as if fully set forth herein.

46. The acts of Mobis complained of herein constitute trademark infringement and unfair competition in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

**COUNT IV: UNJUST ENRICHMENT**

47. Mobil repeats the allegations above as if fully set forth herein.

48. The acts of Mobis complained of herein constitute unjust enrichment of Mobis at Mobil's expense.

**COUNT V: TRADEMARK DILUTION UNDER DELAWARE LAW**

49. Mobil repeats the allegations above as if fully set forth herein.

50. The acts of Mobis complained of herein constitute trademark dilution in violation of the Delaware anti-dilution statute, 6 Del. C. § 3313.

**COUNT VI: UNFAIR COMPETITION UNDER DELAWARE COMMON LAW**

51. Mobil repeats the allegations above as if fully set forth herein.

52. The acts of Mobis complained of herein constitute trademark infringement and unfair competition in violation of the common law of Delaware.

**COUNT VII: CANCELLATION OF FEDERAL TRADEMARK REGISTRATION AND  
REFUSAL OF APPLICATION FOR REGISTRATION**

53. Mobil repeats the allegations above as if fully set forth herein.

54. This Court has the power under 15 U.S.C. § 1119 to cancel Hyundai Mobis' registration of the mark MOBIS and the power under 15 U.S.C. § 1119 and 28 U.S.C. § 2201 to determine Hyundai Mobis' right to registration of the mark MOBIS.

55. Hyundai Mobis' mark MOBIS, the subject of Registration No. 2698373, so resembles Mobil's MOBIL Marks as to be likely to cause confusion, or to cause mistake, or to deceive, and to cause dilution of its famous MOBIL Marks, individually and collectively. Registration should therefore be cancelled under 15 U.S.C. § 1064.

56. Hyundai Mobis' mark MOBIS, the subject of Application Serial No. 76/563,034, so resembles Mobil's MOBIL Marks as to be likely to cause confusion, or to cause mistake, or to deceive, and to cause dilution of its famous MOBIL Marks, individually and collectively. Registration should therefore be refused under 15 U.S.C. § 1052.

WHEREFORE, Mobil requests that:

- a) Defendants, their officers, agents, servants, employees, attorneys, and all those persons in active concert or participation with them, be preliminarily and permanently enjoined from using the mark MOBIS and any other mark that is confusingly similar to any of the MOBIL Marks or any other mark owned by Mobil;
- b) Defendants be ordered to file with this Court and to serve upon Mobil, within 30 days after the entry and service on Defendants of an injunction, a report in writing and under oath setting forth in detail the manner and form in which Defendants have complied with the injunction;
- c) Mobil recover all damages it has sustained as a result of Mobis' infringement, dilution, and unfair competition, and that said damages be trebled;

- d) An accounting be directed to determine Defendants' profits resulting from their activities, and that such profits be paid over to Mobil, increased as the Court finds to be just under the circumstances of this case;
- e) The Court determine that Hyundai Mobis is not entitled to registration of its mark MOBIS, and enter an Order pursuant to 15 U.S.C. § 1119, certified to the United States Patent and Trademark Office, directing that U.S. Registration No. 2698373 be cancelled with prejudice and that U.S. Application Serial No. 76/563,034 be refused with prejudice;
- f) Mobil recover its reasonable attorney fees;
- g) Mobil recover its costs of this action and prejudgment and post-judgment interest; and
- h) Mobil recover such other relief as the Court may deem appropriate.

Of Counsel:  
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/s/ William J. Wade  
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(302) 651-7701 (fax)  
Attorneys for ExxonMobil Oil Corporation

Dated: March 28, 2007

# **Exhibit A**

Registered July 28, 1936

Trade-Mark 337,002

## UNITED STATES PATENT OFFICE

Socony-Vacuum Oil Company, Incorporated,  
New York, N. Y.

Act of February 20, 1905

Application February 28, 1936, Serial No. 375,354

# Mobil

### STATEMENT

*To the Commissioner of Patents:*

Socony-Vacuum Oil Company, Incorporated, a corporation duly organized and existing under the laws of the State of New York, located at New York, N. Y., and doing business at No. 26 Broadway, New York, N. Y., has adopted and used the trade-mark shown in the accompanying drawing, for LUBRICATING OILS AND GREASES, in Class 15, Oils and greases, and presents herewith five specimens of the trade-mark as actually used upon the goods by said Socony-Vacuum Oil Company, Incorporated, and requests that the same be registered in the United States Patent Office in accordance with the act of February 20, 1905. The trade-mark has been continuously used and applied to said goods in the business of applicant since June 15, 1934.

The mark is applied to the containers in which the goods are sold by lithographing.

The applicant is the owner of the trade-marks registered in the United States Patent Office as follows: No. 45,517 August 22, 1905, No. 129,237 January 27, 1920, No. 217,246 August 31, 1926, No. 226,707 April 19, 1927, No. 257,569 June 11, 1929, No. 318,999 November 13, 1934, No. 319,000 November 13, 1934, and No. 319,001 November 13, 1934.

The undersigned hereby appoints Farnum F. Dorsey, whose postal address is 26 Broadway, New York city, its attorney, to prosecute this application for registration, with full powers of substitution and revocation, and to make alterations and amendments therein, to receive the certificate, and to transact all business in the Patent Office connected therewith.

SOCONY-VACUUM OIL COMPANY,  
INCORPORATED,

By H. F. SHEETS,  
Vice President.

Registered Dec. 20, 1938

Trade-Mark 363,312

## UNITED STATES PATENT OFFICE

Socony-Vacuum Oil Company, Incorporated, New  
York, N. Y.

Act of February 20, 1905

Application July 14, 1938, Serial No. 408,518

# MOBIL

### STATEMENT

*To the Commissioner of Patents:*

Socony-Vacuum Oil Company, Incorporated, a corporation duly organized and existing under the laws of the State of New York, located at New York, N. Y., and doing business at No. 26 Broadway, New York, N. Y., has adopted and used the trade-mark shown in the accompanying drawing, for LUBRICATING OILS AND GREASES, AND FOR PETROLEUM FUEL DISTILLATES, IN THE NATURE OF GASOLINE, DIESEL-ENGINE FUEL, FURNACE OILS AND THE LIKE, in Class 15, Oils and greases, and presents herewith five specimens of the trade-mark as actually used upon the goods by said Socony-Vacuum Oil Company, Incorporated, and requests that the same be registered in the United States Patent Office in accordance with the act of February 20, 1905. The trade-mark has been continuously used and applied to said goods in the business of applicant since June 15, 1934, in connection with lubricating oils and greases and since April 23, 1938, in connection with petroleum fuel distillates.

The mark is applied to the containers in which

the goods are sold by means of labels and by stenciling and printing upon the same.

The applicant is the owner of the trade-marks registered in the United States Patent Office as follows: No. 45,517, August 22, 1905, No. 129,237, January 27, 1920, No. 217,246, August 31, 1926, No. 226,707, April 19, 1927, No. 257,569, June 11, 1929, No. 318,999, November 13, 1934, No. 319,000, November 13, 1934, No. 319,001, November 13, 1934, No. 337,002, July 28, 1936, No. 342,330, January 12, 1937, No. 343,733, March 2, 1937, No. 347,044, June 15, 1937.

The undersigned hereby appoints Farnum F. Dorsey, whose postal address is 26 Broadway, New York city, its attorney, to prosecute this application for registration, with full power of substitution and revocation, and to make alterations and amendments therein to receive the certificate, and to transact all business in the Patent Office connected therewith.

SOCONY-VACUUM OIL COMPANY,  
INCORPORATED,

By H. F. SHEETS,  
Vice President.

Int. Cls.: 1, 4 and 16

Prior U.S. Cls.: 1, 2, 5, 6, 10, 15, 22, 23, 26, 29, 37, 38,

46 and 50

United States Patent and Trademark Office

10 Year Renewal

Reg. No. 1,015,027

Registered July 8, 1975

Renewal Term Begins July 8, 1995

TRADEMARK  
PRINCIPAL REGISTER

**Mobil**

MOBIL OIL CORPORATION (NEW  
YORK CORPORATION)  
3225 GALLOWS ROAD  
FAIRFAX, VA 22037

OWNER OF U.S. REG. NOS. 333,409,  
427,696 AND OTHERS.

THE DRAWING IS LINED FOR THE  
COLORS RED AND BLUE.

FOR: ANTIFREEZE AND COOLANTS;  
AUTOMATIC TRANSMISSION FLUID;  
[BRAKE FLUID; CORROSION INHIBI-  
TORS.] ENGINE OIL ADDITIVES [; GAS  
LINE ANTIFREEZE; MOTOR OIL  
ECONOMIZER]. IN CLASS 1 (U.S. CLS. 1,  
5, 6, 10, 26 AND 46).

FIRST USE 6-30-1966; IN COMMERCE  
6-30-1966.

FOR: CIRCULATING OIL; ENGINE  
OIL; GASOLINE; GREASES; LUBRICAT-  
ING OIL; MACHINERY OIL; METAL  
PROCESSING OIL; MOTOR OIL; PENE-  
TRATING OIL [; RUBBER LUBRICANT;  
TOP CYLINDER LUBRICANT; TRANS-  
MISSION SEALER AND CONDITION-  
ER]. IN CLASS 4 (U.S. CLS. 1, 6 AND 15).

FIRST USE 6-30-1966; IN COMMERCE  
6-30-1966.

FOR: [PERIODICALS; TRAVEL MAPS;  
TRAVEL GUIDES]. IN CLASS 16 (U.S.  
CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 4-0-1966; IN COMMERCE  
4-0-1966.

SER. NO. 73-038,984, FILED 12-9-1974.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Oct. 10, 1995.*

COMMISSIONER OF PATENTS AND TRADEMARKS



Int. Cl.: 16

Prior U.S. Cl.: 38

United States Patent and Trademark Office

10 Year Renewal

Reg. No. 1,020,511

Registered Sep. 16, 1975

Renewal Term Begins Sep. 16, 1995

TRADEMARK  
PRINCIPAL REGISTER

MOBIL

MOBIL OIL CORPORATION (NEW  
YORK CORPORATION)  
3225 GALLOWES ROAD  
FAIRFAX, VA 22037

FOR: TRAVEL GUIDES, TRAVEL  
MAPS AND PERIODICALS—NAMELY.

HOUSE ORGANS ISSUED QUARTERLY  
AND MONTHLY, IN CLASS 16 (U.S. CL.  
38).

FIRST USE 0-0-1958; IN COMMERCE  
0-0-1958.

SER. NO. 73-033,204. FILED 9-27-1974.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Oct. 17, 1995.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Int. Cl.: 37

Prior U.S. Cl.: 103

United States Patent and Trademark Office

10 Year Renewal

Reg. No. 1,046,513

Registered Aug. 17, 1976

Renewal Term Begins Aug. 17, 1996

**SERVICE MARK  
PRINCIPAL REGISTER**

**MOBIL**

MOBIL OIL CORPORATION (NEW  
YORK CORPORATION)  
3225 GALLOWS ROAD  
FAIRFAX, VA 22037

OWNER OF U.S. REG. NOS. 337,002,  
1,015,027 AND OTHERS.

FOR: AUTOMOTIVE SERVICE STA-  
TION SERVICES, IN CLASS 37 (U.S. CL.  
103).

FIRST USE 6-15-1934; IN COMMERCE  
6-15-1934.

SER. NO. 73-068,179, FILED 11-6-1975

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Nov. 5, 1996.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Int. Cl.: 37

Prior U.S. Cl.: 103

United States Patent and Trademark Office

10 Year Renewal

Reg. No. 1,049,824

Registered Oct. 5, 1976

Renewal Term Begins Oct. 5, 1996

SERVICE MARK  
PRINCIPAL REGISTER

Mobil

MOBIL OIL CORPORATION (NEW  
YORK CORPORATION)  
3225 GALLOWES ROAD  
FAIRFAX, VA 22037

OWNER OF U.S. REG. NOS. 337,002,  
1,015,027 AND OTHERS.

THE DRAWING IS LINED FOR THE  
COLORS RED AND BLUE.

FOR: AUTOMOTIVE SERVICE STA-  
TION SERVICES INCLUDING CAR  
WASH SERVICES AND EMERGENCY  
ROAD SERVICES, IN CLASS 37 (U.S. CL.  
103).

FIRST USE 6-30-1966; IN COMMERCE  
6-30-1966.

SER. NO. 73-070,138, FILED 11-25-1975.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Dec. 31, 1996.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Int. Cl.: 4

Prior U.S. Cl.: 15

United States Patent and Trademark Office

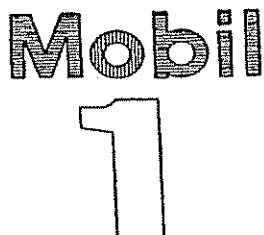
10 Year Renewal

Reg. No. 1,053,493

Registered Nov. 30, 1976

Renewal Term Begins Nov. 30, 1996

TRADEMARK  
PRINCIPAL REGISTER



MOBIL OIL CORPORATION (NEW  
YORK CORPORATION)  
3225 GALLOWS ROAD  
FAIRFAX, VA 20037

OWNER OF U.S. REG. NO. 1,015,027  
AND OTHERS.

THE DRAWING IS LINED FOR THE  
COLORS RED AND BLUE.

FOR: SYNTHESIZED ENGINE LUBRI-  
CANT, IN CLASS 4 (U.S. CL. 15).

FIRST USE 8-21-1975; IN COMMERCE  
8-21-1975.

SER. NO. 73-069,303, FILED 11-17-1975.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Feb. 18, 1997.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Int. Cl.: 16

Prior U.S. Cl.: 38

**United States Patent and Trademark Office** Reg. No. 1,491,099  
Registered June 7, 1988

**TRADEMARK  
PRINCIPAL REGISTER**

**MOBIL TRAVEL GUIDE**

MOBIL OIL CORPORATION (NEW YORK COR-  
PORATION)  
150 EAST 42ND STREET  
NEW YORK, NY 10017

FOR: ANNUALLY PUBLISHED BOOKS CON-  
TAINING QUALITY RATINGS OF LODGINGS  
AND RESTAURANTS, IN CLASS 16 (U.S. CL.  
38).

FIRST USE 0-0-1966, FIRST USED IN AN-  
OTHER FORM ON 1960; IN COMMERCE

0-0-1966, FIRST USED IN COMMERCE IN AN-  
OTHER FORM ON 1960.

OWNER OF U.S. REG. NOS. 997,306, 1,366,050  
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "TRAVEL GUIDE", APART  
FROM THE MARK AS SHOWN.

SER. NO. 678,520, FILED 8-14-1987.

MARY COYLE, EXAMINING ATTORNEY

Int. Cl.: 7

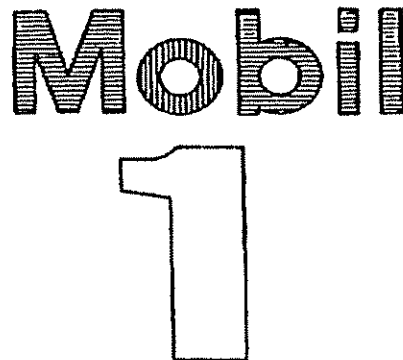
Prior U.S. Cls.: 13, 19, 21, 23, 31, 34, and 35

Reg. No. 2,133,386

**United States Patent and Trademark Office**

Registered Jan. 27, 1998

**TRADEMARK  
PRINCIPAL REGISTER**



MOBIL OIL CORPORATION (NEW YORK CORPORATION)  
3225 GALLOWES ROAD  
FAIRFAX, VA 22037

FOR: HIGH PERFORMANCE OIL FILTERS  
FOR MOTORS AND ENGINES, IN CLASS 7  
(U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).  
FIRST USE 3-0-1996; IN COMMERCE  
3-0-1996.

OWNER OF U.S. REG. NOS. 1,461,345,  
1,551,312, AND OTHERS.

THE DRAWING IS LINED FOR THE  
COLORS RED AND BLUE WHICH IS A FEAT-  
TURE OF THE MARK.

SN 75-158,652, FILED 8-30-1996.

CINDI GREENBAUM, EXAMINING ATTOR-  
NEY

## CIVIL COVER SHEET

JS 44

(Rev. 12/96)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM)

**I.(a) PLAINTIFF**

ExxonMobil Oil Corporation

**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF** \_\_\_\_\_  
(EXCEPT IN U S PLAINTIFF CASES)

**DEFENDANT**

Hyundai Mobis, Co., Ltd ; Mobis America, Inc ; Mobis Parts  
America, LLC; Mobis Parts Detroit, LLC; and Mobis  
Alabama, LLC

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT \_\_\_\_\_  
( IN U S. PLAINTIFF CASES ONLY)  
NOTE: IN LAND CONDEMNATION CASES. USE THE LOCATION OF THE TRACT  
OF LAND INVOLVED

**(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**

William J. Wade  
Gregory E. Stuhlman  
Richards, Layton & Finger  
One Rodney Square - P O Box 551  
Wilmington, DE 19899  
(302) 658-6541

**ATTORNEYS (IF KNOWN)****II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)**

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question Plaintiff  
(U S Government Not a Party)
- ☐ 2 U S Government Defendant ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX (For Diversity Cases Only) FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)**

PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4 <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

**VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)**

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) \_\_\_\_\_ ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

**V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)**

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (excl Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholder's Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability 	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury 	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth In Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability 	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 861 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other 	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 RIA (1395if) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609 	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions 
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Eject <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property 	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights 	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition 			

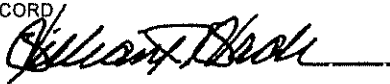
**VI. CAUSE OF ACTION (CITE THE U S CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIV**  
Trademark infringement under the Trademark Act of 1946, 15 U.S.C. § 1051 et seq.

**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION ☐ DEMAND \$ \_\_\_\_\_ CHECK YES only if demanded in complaint:  
JURY DEMAND: YES X NO

**VIII. RELATED CASE(S)**(See instructions):  
IF ANY Judge \_\_\_\_\_ Docket Number \_\_\_\_\_

DATE SIGNATURE OF ATTORNEY OF RECORD

March 28, 2007



FOR OFFICE USE ONLY  
RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG JUDGE \_\_\_\_\_

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44  
Authority For Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs - Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

**(b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

**(c) Attorneys.** Enter firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8 (a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff (1) Jurisdiction is based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant (2) When the plaintiff is suing the United States, its officers or agencies, place an X in this box.

Federal question (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause.

**V. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV above, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**VI. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings (1) Cases which originate in the United States district courts.

Removed from State Court (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C. Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment (7) Check this box for an appeal from a magistrate's decision.

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.C.P.

**Demand.** In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

**Jury Demand.** Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS-44 is used to reference relating pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.  
(rev. 07/89)



AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 07 - 177

RG  
stamp  
FILED  
CLERK U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
2007 MAR 28 PM 2:44

**ACKNOWLEDGMENT**  
**OF RECEIPT FOR AO FORM 85**

**NOTICE OF AVAILABILITY OF A**  
**UNITED STATES MAGISTRATE JUDGE**  
**TO EXERCISE JURISDICTION**

I HEREBY ACKNOWLEDGE RECEIPT OF 6 COPIES OF AO FORM 85.

MAR 28 2007

(Date forms issued)

Nicholas Matos

(Signature of Party or their Representative)

Nicholas Matos

(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action